


FILED

2010 OCT 14 AM 10:08

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MARCUS ANDREWS,

Petitioner,

v.

MIKE KNOWLES, Warden, et al.,

Respondents.

Civil No. 10cv2109-BEN (BLM)

**ORDER DISMISSING PETITION
WITHOUT PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has submitted a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, and has paid the \$5.00 filing fee. The Petition is subject to dismissal, however, due to Petitioner's failure to sign the Petition under penalty of perjury.

Rule 2(c) of the Rules Governing Section 2254 Cases provides that "[t]he petition must be printed, typewritten or legibly handwritten; and be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner under 28 U.S.C. § 2242."

Rule 2(c), 28 U.S.C. foll. § 2254 (emphasis added). Here, Petitioner has failed to sign the Petition. The Court therefore **DISMISSES** the action without prejudice to refiling of a "First

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1 Amended Petition for Writ of Habeas Corpus," which is signed by Petitioner. The Clerk of
2 Court shall send Petitioner a blank Southern District of California amended petition form along
3 with a copy of this Order.

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5 **IT IS SO ORDERED.**

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7 DATED: 10/14/2010


8 Hon. Roger T. Benitez
United States District Judge

9 Copies to: ALL PARTIES